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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

25 WRIT PETITION NO.6092 OF 2022

**VINAYKUMAR RIKHABCHAND KOTHARI AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS  
SECRETARY AND OTHERS**

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Mr A. D. Gade, Advocate for petitioners;  
Mr P. K. Lakhotiya, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE  
AND  
ARUN R. PEDNEKER, JJ.**

**DATE : 3rd October, 2022**

**PER COURT:**

1. The petitioners have put forth prayer clauses 'C' and 'D', which read as under :-

*“C] This Hon’ble Court, by issuing writ of mandamus or any other appropriate writ, order or direction in the like nature may kindly be pleased to direct the respondent No.2-Commissioner, Cooperation and Registrar of Cooperative Societies to grant the benefits of Government Resolution dated 10/02/2022 to the petitioners by which Special One time Repayment Scheme is formulated in respect of the Malkapur Urban Co-op. Bank Ltd. Malkapur, Dist. Buldana which is at Exhibit-A.*

*D] Pending hearing and final disposal of this Writ Petition, be pleased to direct the respondent No.2-Commissioner, Cooperation and Registrar of Cooperative Societies to consider the representation dated 04/05/2022*

(2)

*submitted by petitioner No.1, seeking benefit of Special One Time Repayment Scheme as formulated by the Government Resolution dated 10/02/2022.”*

2. The learned Advocate for the petitioners candidly submits on the basis of the facts, that the petitioners have already approached the Debt Recovery Tribunal in view of the order passed by the Bank, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (*SARFAESI Act*). The said proceedings are pending. By prayer clause (D), the petitioners desire that, their representation dated 04/05/2022 may be considered by respondent No.2 in the light of the Government Resolution dated 10/02/2022.

3. In view of the above, this petition is disposed off.

4. We would expect respondent No.2, to consider the said representation of the petitioners, only if he has the jurisdiction to do so, under the Government Resolution dated 10/02/2022. Needless to state, this exercise would not be an impediment for the Debt Recovery Tribunal, to proceed with those proceedings, that have been instituted by the petitioners.

**(ARUN R. PEDNEKER, J.)**  
sjk

**(RAVINDRA V. GHUGE, J.)**